



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301735

Applicant Name: Gay Westmoreland

Address of Proposal: 3546 Northeast 88th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcels sizes are: A) 4,590 sq. ft. and B) 4,590 sq. ft. The existing structures are to be demolished. Prior to the time of this decision, the applicant obtained a building permit (#735151) with the following description: “demolish existing single family residence, establish use as single family residence and construct new single family residence with attached garage, per plan”. Zoning review was approved based on the property in its entirety. The applicant purposely located the new structure entirely on the proposed parcel A.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.-
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 9,180 square foot (sq. ft.) project site is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the northeast sector of Seattle. The

parcel is located on the north side of Northeast 88th Street, with approximately ninety (90') feet of street frontage. There is an existing house on the site, which has been demolished under a previously issued building permit (#735151). A footprint of the location of the foundation wall for the house under construction on proposed parcel A is noted on the survey. The subject lot slopes gently downward from the front of the property (south) to the rear area (north). Northeast 88th Street is a paved roadway with no sidewalks, curbs nor gutters on both sides of the street. It is not located within any identified or designated Environmentally Critical Area. Northeast 88th Street is classified as Non-arterial Street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Proposed parcels A and B will have direct access to Northeast 88th Street. The existing single family residence will be demolished pursuant to this subdivision application.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended May 14th, 2003. DCLU received five (5) written comments related to reduction in affordable housing, removal of existing trees, future flooding and drainage issues and overall impacts on the character of the neighborhood.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 notwithstanding. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth.

This short subdivision was submitted on the basis of application of the 75% - 80% rule pursuant to SMC 23.44.010.B.1.b. By subdivision, lots in a single family zone may be created which are "[a]t least seventy-five (75) percent of the minimum required lot area and [are] at least eighty (80) percent of the mean lot area of the lots on the same block face within which the lot will be located and within the same zone". Seventy-five (75) percent of the minimum lot size of the SF 5000 zone is 3,750 square feet. Eighty percent of the mean lot sizes of the lots on the subject block face, between 35th and 36th Avenue Northeast, exclusive of the subject lot, are 4590 square feet, according to information submitted in the application. The proposed lot areas of Lots A and B 4,590 and 4,590 square feet respectively, are equal to eighty percent of the mean lot area of the lots on the same block face (4,590 sq. ft.) and greater than seventy-five percent of the minimum required lot area (3,750 sq. ft.). Thus, the proposed lot configuration meets the exception to the minimum lot area as contained in SMC 23.44.010(B)(1)(b).

The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct vehicle access to NE 88th Street. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are

available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide

for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on April 7th, 2003 (WAC ID No. 2003-0338). The existing structure located upon the proposed short plat is connected by means of a single side sewer to a public sanitary sewer (PS) located in NE 88th Street.

A standard drainage control plan is required prior to issuance of any related building permit. There are no public storm drains in the vicinity of this proposed short plat. Discharge of stormwater runoff from new construction on either proposed parcel will be required. Infiltration of stormwater runoff may be allowed depending on new impervious areas and percolation rates.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are six (6) trees located on the site. Most of these trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. No trees will likely be removed from parcel A, and possibly one (1) tree will be removed from parcel B, as the trees are located on or near the buildable area out of the required yards. Parcel A has a 25.4" Western White Pine located near the northeast corner of Parcel A that must be protected and retained. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which sets forth tree planting and exceptional tree protection requirements on single family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat; "Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require trees for new single family development."
4. Insert the following on the face of the plat; "Existing grade for height shall be those grades in place prior to the development for purposes of height measurement."

After Recording and Prior to Issuance of a Building Permit

5. Attach a copy of the recorded subdivision to all future building permit application plans.
6. Attach a copy of the approved tree protection plan to all future building permits with the additional note "protection fence must be 8 feet by 8 feet filled with 10 inches of hog fuel or wood chips".
7. A no-protest agreement for future improvements to Northeast 88th Street shall be signed and recorded with the King County Department of Records and Elections for future construction on parcel B.

Signature: (signature on file) Date: July 21, 2003

Tamara Garrett, Land Use Planner
Department of Design, Construction and Land Use

TG:bg

H:\Garrett\doc\Short Plats\2301735 decision.doc